

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEYTHAN MICHAEL JONES SLAISE,

Plaintiff,

v.

NICOLE A. SILVEIRA, et al.,

Defendants.

1:23-cv-00650 HBK (PC)

ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS

(Doc. No. 4)

ORDER DIRECTING INITIAL AND
SUBSEQUENT PAYMENTS
OF FILING FEE BY THE JOHN
LATORRACA CORRECTIONAL
FACILITY

Plaintiff, a prisoner, initiated this action on January 18, 2023, by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1, Complaint). Plaintiff seeks leave to proceed *in forma pauperis* on his Complaint (Doc. No. 4) and submitted a copy of his prison trust fund statement and/or certification from prison officials in support. (Doc. No. 2). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the full \$350.00 statutory filing fees as set forth in 28 U.S.C. § 1915. **Pursuant to § 1915(b)(1)(A), Plaintiff is obligated to make an initial payment of \$7.00¹ (20% of the**

¹ The statute requires an initial filing fee of 20% of the greater of the six-months average monthly deposits or average monthly balance. 28 U.S.C. § 1915(b)(1)(A), (B). Plaintiff averaged monthly deposits of \$35.00 over the relevant six-month period. (Doc. No. 4 at 2).

1 **average 6-month deposits to the prisoner's account).** Thereafter, Plaintiff must make monthly
2 payments of 20% of the preceding month's income credited to his trust account. The John
3 Latorraca Correctional Facility is required to send the initial \$7.00 payment to the Clerk of the
4 Court and subsequent payments from Plaintiff's account each time the amount in his account
5 exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

6 ACCORDINGLY, it is **ORDERED**:

7 1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 4) is GRANTED.

8 2. **The John Latorraca Correctional Facility County Sheriff, or his designee shall**
9 **forward an initial payment of \$7.00 to the Clerk of the Court from Plaintiff's prison trust**
10 **account in accordance with 28 U.S.C. § 1915(b)(1)(B) and shall make future monthly**
11 **payments in an amount equal to twenty percent (20%) of the preceding month's income**
12 **credited to the Plaintiff's trust account each time the amount in the account exceeds \$10.00,**
13 **in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and**
14 **forwarded to the Clerk of the Court.** The payments shall be clearly identified by the name and
15 number assigned to this action.

16 3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's
17 *in forma pauperis* application on the Secretary of the California Department of Corrections, via
18 the court's electronic case filing system (CM/ECF).

19 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
20 Department, U.S. District Court, Eastern District of California.

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22 Dated: June 8, 2023

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24 HELENA M. BARCH-KUCHTA
25 UNITED STATES MAGISTRATE JUDGE
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